

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, and in light of the remarks which follow are respectfully requested.

By the above amendments, claims 1 and 14 have been amended for readability purposes by replacing the first occurrence of the term "1,3-PDTA" with "1,3-propylene diamine tetraacetic acid." Support for these amendments can be found in the specification at least at page 3, lines 18 and 19.

In response to the restriction requirement set forth at pages 3-5 of the Official Action, Applicant hereby elects, with traverse, the invention of Group I, claims 1-12, drawn to methods of manufacturing a ferric 1,3-propylene diamine tetraacetic acid complex.

M.P.E.P. §803 states that an application may be properly restricted to one or more claimed inventions only if (1) the inventions are independent or distinctly claimed, and (2) there is a serious burden on the Examiner if restriction is not required. Thus, even if appropriate reasons exist for requiring restriction, such a requirement should not be made unless there is an undue burden on the Examiner to examine all of the claims in a single application.

In the present case, it appears that the search and examination involved for the two groups of inventions would have substantial overlap. For example, the claims of both elected invention Group I and non-elected invention Group II recite (1) reacting ferrous bromide with unchelated 1,3-propylene diamine tetraacetic acid, thereby forming a ferrous 1,3-PDTA complex; and (2) conducting an oxidation process wherein the ferrous 1,3-PDTA complex is converted to a ferric 1,3-PDTA complex. Because of the apparent overlap in search, it appears that a serious burden

would not be imposed on the Examiner to examine the invention of Group II, in addition to the invention of Group I, in a single application.

For at least the above reasons, withdrawal of the restriction requirement and examination of each of invention Groups I and II are respectfully requested.

In response to the election of species requirement set forth at pages 2 and 3 of the Official Action, Applicant elects, with traverse, the species (5) of invention Group I, drawn to methods which include "not adding any amount of ferric salt of 1,3-propylenediaminetetraacetic acid to ferrous salt 1,3-propylenediaminetetraacetic acid 'prior to the oxidation process.'" Currently, claims 1-8 and 8-13 read on the elected species.

It appears that there would not be an undue burden on the Examiner to examine each of the species of invention Group I in the present application. For example, each of the species relates to a method of manufacturing a ferric 1,3-PDTA complex, and as such, the search and examination involved for the species would have substantial overlap. As such, it appears that a serious burden would not be imposed on the Examiner to examine the non-elected species together with the elected species in a single application.

In the event the restriction requirement is withdrawn and the Examiner considers both of invention Groups I and II in the present application, Applicant also elects, with traverse, the species (5) of invention Group II, drawn to methods which include "not adding any amount of ferric salt of 1,3-propylenediaminetetraacetic acid to ferrous salt 1,3-propylenediaminetetraacetic acid 'prior to the oxidation process.'" Currently, claims 14-21 read on the elected species.

It is noted that the search and examination involved for the species of invention Group II would appear to have substantial overlap because each of the species relates to a method of

processing a silver halide color photographic material. As such, it appears that a serious burden would not be imposed on the Examiner to examine the non-elected species of invention Group II together with the elected species in a single application.

For at least the above reasons, withdrawal of the election of species requirement and examination of each of the species in the present application are respectfully requested.

The Patent Office has stated that the election of species requirement has been made to assist the Examiner in initiating the search with respect to the present application. Accordingly, the search and examination of the elected invention Group I will not be limited to only the elected species (5) thereof. It is also noted that upon allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the features of an allowed generic claim.

It is respectfully noted that the meaning of the text in the Official Action from page 4, line 18 to page 5, line 14, is not fully understood due to typographical and/or grammatical errors. To the extent the Patent Office has taken the position that invention Groups I and II are obvious in view of each other, Applicant traverses such assertion in light of the fact that the Patent Office has not provided any reason or evidence in support of such an assertion.

At page 5 of the Official Action, the Patent Office has stated that "the use of the ferric salt of propylenediaminetetraacetic acid as a bleaching agent for a developed photographic material is conventional and well known in the art." To the extent the Patent Office has taken Official Notice by the above statement, Applicant respectfully traverses such assertion and requests the Patent Office to provide a prior art reference in support of its assertion. See M.P.E.P. §2144.03.

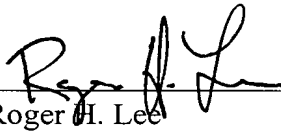
Application No. 10/084,458
Attorney's Docket No. 009679-054

If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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**Attachment to AMENDMENT AND RESPONSE TO ELECTION
OF SPECIES REQUIREMENT AND RESTRICTION
REQUIREMENT dated April 14, 2003**

Marked-up Claims 1 and 14

1. (Amended) A method of manufacturing a ferric [1,3-PDTA] 1,3-propylene diamine tetraacetic acid complex, comprising:

- a) reacting ferrous bromide with unchelated 1,3-PDTA, thereby forming a ferrous 1,3-PDTA complex; and
- b) conducting an oxidation process wherein the ferrous 1,3-PDTA complex is converted to the ferric 1,3-PDTA complex.

14. (Amended) A method of processing a silver halide color photographic material, comprising:

- a) forming a bleach composition containing a bleaching agent by a method comprising the steps of:
 - i) reacting ferrous bromide with unchelated [1,3-PDTA] 1,3-propylene diamine tetraacetic acid, thereby forming a ferrous 1,3-PDTA complex; and
 - ii) conducting an oxidation process wherein the ferrous 1,3-PDTA complex is converted to a ferric 1,3-PDTA complex; and
- b) contacting the bleach composition with the silver halide color photographic material.